

## **REMARKS**

This amendment and related remarks that follow are intended to place the subject application in condition for allowance. Amendments to the claims are presented starting on page 2. Specifically, claim 1 is amended as follows to improve its readability: the word "improvement" is changed to the word "instructions" in the preamble; and the opening phrase "computer software instructions stored on the computer-readable medium for" is removed from each of the four claim elements since it is redundant with the preamble. Claim 3 is cancelled since its limitations are included in claim 2. Claim 9 is amended to correct typographical errors. Claim 35 is amended to clarify the applicants' invention as follows: the preamble is simplified by changing it to a more straightforward "A method for ..." format; the preamble is further simplified by removing the reference to "system" and "computer/computers" – correspondingly, the words "user/users" are changed to "person/people" throughout this claim; the third element is further amended by changing the word "identifying" to the word "tagging" in order to stress the fact that the messages are tagged when they are posted; the fourth element is further amended to remove the phrase "users of the computer mediated persistent conversation system" for consistency with the aforementioned amendments to this claim. Claims 36 and 37 are amended to adapt their preambles to agree with the new preamble of claim 35. Claims 38 and 39 are new dependent claims which are added to claim additional message types that are disclosed in the specification. (refer to paragraphs [0071] and [0072] of the published subject application, Publication No. US20030154248A1, published August 14, 2003). Claims 40-42 are new process claims intended to further claim the applicants' invention. No new matter is introduced as a result of these claim amendments. In view of these amendments and the following reasoning for allowance, the applicants hereby respectfully request further examination of the subject application and allowance of claims 1, 2, 4-12, 15-17 and 35-42.

### **The 35 USC 102(e) Rejection Of Claims 1-12, 15-17 and 35-37**

The aforementioned Office Action of March 23, 2006 rejected claims 1-12, 15-17 and 35-37 of the subject application under 35 USC §102(e) as being anticipated by Uchino

et al. (U.S. Patent No. 6,865,715 – hereafter Uchino). More particularly, the Examiner stated that Uchino teaches all of the elements of claims 1-12 and 15-17, and that claims 35-37 are rejected since they “are essentially the same as claims 1-3, except that they set forth the invention as a method rather than a system ...” Based on the aforementioned claim amendments and the reasons discussed below, the applicants believe the rejected claims are patentable under 35 USC §102(e) over Uchino.

The **applicants claim** computer instructions, a method and process (hereafter referred to generally as methods for simplicity sake) for computer mediating persistent conversations between multiple users who author and post messages in which **the messages are tagged with a particular tag that identifies each message** as being of one or more selected message types. The term “tag” is understood by those of ordinary skill in the art to be a piece of information which is inserted into a document. Hence, as it pertains to the applicants’ invention, **the tag is contained directly within the message**. This is consistent with the following definition given the term “tag” in paragraph [0071] of the published subject application: “Process block 402 indicates that at least some messages in a group are posted by authors with a tag, indicator, or identifier that identifies the message as being of a selected message type. For example, the tag may be of an XML format.” As discussed below, Uchino interprets the term “tag” in the same way.

In contrast, Uchino teaches a document display device/apparatus and methods (hereafter simply referred to as a device) in which documents (e.g., messages) are downloaded from a “forum/message board” into a “document group database 301” and then some time thereafter the documents are sent to a “document group analysis device 302” which performs “structure analysis 402, format analysis 401 and contents analysis 403” on each document. The results of these various analyses are then passed to a “summation device 303” and subsequently stored in an “indexed file 404” database, “meta-index 304” database and “thread index 305” database for subsequent viewing in various formats on a “display device 306.” (refer to FIGs 3 and 4) **As shown in FIGs 3 and 4, Uchino teaches that the message type information is stored outside of the documents in a separate set of database entries.** This is further reinforced in FIG 35 which shows the downloaded documents reside in the storage device 3503, and the

document processing results of the contents estimation unit 3504 are stored in the display index 3505. A supporting description of the detailed structure and contents of the display index 3505 are described starting in column 21, line 16. Although Uchino does teach tags per se, all of the teachings associated with tags are limited to using tags in the document for representing the following types of data (which result from the aforementioned document analyses): a "root document number" (refer for example to column 13, lines 2-3), a document "title ... and a keyword" (refer to column 13, lines 18-19), display "color" (refer for example to column 14, line 57), and document "tree structure" (refer to column 15, lines 10-15). **Nowhere in Uchino is a tag added to the document to identify the document/message type.**

A prima facie case of anticipation is established only when the Examiner can show that the cited reference teaches *each* of the claimed elements of a rejected claim. In this case, based on the remarks presented above, the Examiner has not shown that Uchino teaches the subject application's claimed feature of tagging messages, where the tag identifies the message as being of one or more selected message types. Thus, the rejected claims recite features that are not taught in the cited art, and as such, a prima facie case of anticipation can not be established. Accordingly, it is respectfully requested that the rejection of claims 1, 2, 4-12, 15-17 and 35-37 be reconsidered based on the following novel claim language exemplified in claim 1:

"tagging the messages when they are posted by authoring users as being of one or more selected message types comprising a Question message type indicating that a message is a question and an Answer message type indicating that a message is an answer to a Question message type;"

## **Claim 2**

With further regard to dependent claim 2, the **applicants claim** methods for computer mediating persistent conversations between multiple users who author and post messages which include **messages originating from email lists**.

In contrast, Uchino teaches that documents of messages can be uploaded from "virtual public conference halls ... referred to as forums in which users discuss for

respective subjects. Each forum is divided into a plurality of virtual places referred to as message boards ..." (refer to column 6, lines 12-16) The "DISCUSS Index" and "CHAT Index," taught by Uchino in column 22 lines 41-67 and related FIGs 40 and 41, are a set of database entries related to information of discussion/chat patterns that take place in the forums. **Nowhere in Uchino is reference made to email, email lists or email-related systems of any sort.**

Therefore, based on the remarks presented above, the Examiner has not shown that Uchino teaches the subject application's claimed feature of support for messages originating from email lists. Thus, rejected claim 2 recites features that are not taught in the cited art, and as such, a prima facie case of anticipation can not be established. Accordingly, it is respectfully requested that the rejection of claim 2 be reconsidered based on its following novel claim language:

"The system of claim 1 in which the computer mediated persistent conversation system includes any of Usenet (NNTP) newsgroups, World Wide Web (HTTP) message or bulletin board sites, email lists, or online chat rooms."

#### **Claim 5**

With further regard to dependent claim 5, the **applicants claim** methods for computer mediating persistent conversations between multiple users who author and post messages which include **aggregations according to day, quarter, year and year-to-date** time periods.

In contrast, Uchino teaches that documents can be searched, retrieved and displayed for the following pre-determined time periods only: "all period, within one month, within one week." (refer to FIGs 58 and 62). **Nowhere in Uchino are day, quarter, year and year-to-date search/display periods taught.**

Therefore, based on the remarks presented above, the Examiner has not shown that Uchino teaches the subject application's claimed feature of aggregating messages according to day, quarter, year and year-to-date time periods. Thus, rejected claim 5 recites features that are not taught in the cited art, and as such, a prima facie case of

anticipation can not be established. Accordingly, it is respectfully requested that the rejection of claim 5 be reconsidered based on its following novel claim language:

"The system of claim 4 in which the plural aggregations according to plural time periods or resolutions include aggregations according to two or more of the time periods or resolutions: day, week, month, quarter, year, year-to-date."

### **Claims 15 and 16**

With further regard to dependent claims 15 and 16, the **applicants claim** methods for computer mediating persistent conversations between multiple users who author and post messages in which the messages are tagged when they are posted as being of one or more message types which include **a Closed message type that either indicates an Answer type message resolves a Question type message, or a particular reply message resolves an initial message.** The term "resolve" is defined by the Merriam-Webster Online Dictionary as follows: "to deal with successfully : clear up <resolve doubts> <resolve a dispute> ... to find an answer to ... to make clear or understandable." This definition and the applicants use of the word "resolve" in claims 15 and 16 is further reinforced by paragraph [0073] of the published subject application which states: "An aspect of the Closed message type is that it acknowledges the author who posts the resolving Answer, based upon the subjective judgment of the author who posed the original Question ... this acknowledgement can function as a participation incentive for authors to provide high-quality, substantive contributions."

In contrast, Uchino teaches a "T (thanks)" message type which is determined by the device's processing and analysis of downloaded documents in a thread. Uchino further teaches that the thanks message type is detected "when the document corresponding to the entry is contained in the Q and A pattern." (refer to column 21, lines 52-56 and also to FIGs 42-45) In the aforementioned Office Action of March 23, 2006 the Examiner stated that "the limitation of a Closed message is met by T (thanks) type message ..." The applicants respectfully disagree with this statement for the following reason. During the course of a conversation between two people, thanks does not necessarily, definitively indicate that the conversation is closed to the degree that a particular reply from one

person *successfully resolves* a question or other type of request from another person. To the contrary, thanks could merely indicate that the person who posted the initial question/request is merely acknowledging receiving the response of another, not necessarily that it successfully answered or cleared up their question/request.

Therefore, based on the remarks presented above, the Examiner has not shown that Uchino teaches the subject application's claimed feature of a Closed message type that either indicates an Answer type message resolves a Question type message, or a particular reply message resolves an initial message. Thus, rejected claims 15 and 16 recite features that are not taught in the cited art, and as such, a prima facie case of anticipation can not be established. Accordingly, it is respectfully requested that the rejection of claims 15 and 16 be reconsidered based on the following novel claim language:

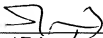
Claim 15: "The system of claim 1 in which the one or more selected message types includes a Closed message type indicating that a message of the Answer message type resolves a message of the Question message type."

Claim 16: "The system of claim 1 in which one or more reply messages respond to an initial message, the one or more selected message types including a Closed message type indicating that a selected reply message resolves the initial message."

### **Summary**

In view of the arguments set forth above, the applicants respectfully submit that claims 1, 2, 4-12, 15-17 and 35-42 of the subject application are in condition for allowance as they are novel over the prior art cited by the Examiner. Accordingly, reconsideration of the rejection of these claims is respectfully requested and allowance of these claims at an early date is courteously solicited.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'R. Lyon', is written over a horizontal line.

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